

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOW OLEFINVERBUND GmbH,

Petitioner,

-against-

23-cv-7794 (LAK)

TRINSEO DEUTSCHLAND GmbH
(f/k/a STYRON DEUTSCHLAND GmbH),

Respondent.



JUDGMENT

The Petitioner having filed a petition to confirm an arbitration award (the "Petition"), and the action having come before the Court, and the Court having considered the same and ordered entry of judgment in favor of Petitioner, now therefore:

IT IS ORDERED AND ADJUDGED that the Petition is granted, the underlying arbitration award is confirmed, and judgment is entered in favor of the Petitioner and against Respondent as follows:

1. Pursuant to Section 12.2(e) of the Site Services Agreement and for the purpose of calculating the Capital Charge for the F85 and I-72 MOD-5 replacement projects pursuant to Section 4.2(c), (i) the Styron Share of the F85 replacement project is 23.7%, and (ii) the Styron Share of the I-72 MOD-5 replacement project is 58%. The Styron Share of the Cooling Tower Water and Steam site services for purposes other than the F85 and I-72 MOD-5 replacement projects remain unaltered, and the Styron Share for the F85 and I-72 MOD-5 replacement projects will not have any precedential impact on future capital projects.
2. The Parties having reached an agreement as to Respondent's responsibility for a portion of Petitioner's attorneys' fees and the costs of the arbitration, no award of attorneys' fees or the costs of the arbitration is made.
3. All other claims for relief made by the Parties against each other as recorded in the Partial Final Award and Final Award are hereby denied.

SO ORDERED.

Dated: November 1, 2023


Lewis A. Kaplan
United States District Judge